

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THOMAS J. KAWA,)	
)	8:10CV169
Plaintiff,)	
)	
vs.)	ORDER
)	
U.S. BANK, N.A,)	
)	
Defendant.)	

This matter is before the court on the plaintiff's Motion to Compel ([Filing No. 28](#)). The plaintiff's motion is deficient for failing to comply with the United States District Court for the District of Nebraska Civil Rules. First, the plaintiff failed to file a brief or index of evidence. See [NECivR](#) 7.0.1(a). Second, the plaintiff failed to indicate compliance with NECivR 7.0.1, which provides:

To curtail undue delay in the administration of justice, this court only considers a discovery motion in which the moving party, in the written motion, shows that after personal consultation with opposing parties and sincere attempts to resolve differences, the parties cannot reach an accord. This showing must also state the date, time, and place of the communications and the names of all participating persons. "Personal consultation" means person-to-person conversation, either in person or on the telephone. An exchange of letters, faxes, voice mail messages, or emails is also personal consultation for purposes of this rule upon a showing that person-to-person conversation was attempted by the moving party and thwarted by the nonmoving party.

See [NECivR](#) 7.0.1(i). Since the plaintiff failed to make such a showing, the motion will be denied without prejudice. Upon consideration,

IT IS ORDERED:

The plaintiff's Motion to Compel ([Filing No. 28](#)) is denied, without prejudice.

DATED this 24th day of January, 2011.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge